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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,558	05/27/2005	Hans-Peter Fleischmann	PNL21447	9243
77176 7590 04/09/2008 Novak, Druce & Quigg LLP 1300 I Street, N.W. Suite 1000, West Tower WASHINGTON, DC 20005				
EXAMINER				
IRVIN, THOMAS W				
ART UNIT		PAPER NUMBER		
3683				
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/536,558

**Applicant(s)**

FLEISCHMANN, HANS-PETER

**Examiner**

THOMAS W. IRVIN

**Art Unit**

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/02)
- Paper No(s)/Mail Date 20050527
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the radially extending unthreaded conduit must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claim 1 is objected to because of the following informalities: The claim should start with -- A --. In Claim 3, (42) should be removed. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The unthreaded conduit is claimed in claim 2 as "extend[ing] radially," while in the drawing, the unthreaded conduit (114) appears to extend axially.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

In claim 1, it is unclear how an element adjacent to the drive element can correspond to the drive element.

Claim 4 is not clear in defining a front surface or a following drive element.

In claim 9, it is unclear how an output axle of a motor vehicle extends through a transmission ratio of a pulley set to looping means.

Claim 3 recites the limitation "the roller bearing" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the front" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the following drive element" in 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the front surfaces" in 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the roller bearing" in 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the transmission ratio" in 5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Deursen et al. (4,143,558).

In Re claim 1, '558 discloses a device for supplying a hydraulic medium to a rotatably mounted drive element in a transmission case comprising a hydraulic medium routed to a channel (11) in the drive element (2) by way of at least one channel (8) in a coaxially adjacent element; the drive element is non-rotatably connected to a second element (15), the contact connection between the drive element and the second element comprises at least one unthreaded conduit (17), inserted tightly into the two channels and extending directly from the second element, to the drive element.

Claims 1-7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Okano et al. (2002/0142870).

In Re claim 1, '870 discloses a device for supplying a hydraulic medium to a rotatably mounted drive element in a transmission case comprising a hydraulic medium routed to a channel (2c) in the drive element (2) by way of at least one channel (42b) in a coaxially adjacent element; the drive element is non-rotatably connected to a second element (49), the contact connection between the drive element and the second

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element comprises at least one unthreaded conduit (46) inserted into two channels (42a,48) and extending directly from the second element to the drive element.

In Re claim 2, the at least one unthreaded conduit extends axially within a roller bearing (34) which is provided between the drive element and the adjacently located second element, in an axial fashion, when viewed from the side as in Fig. 2.

In Re claim 3, an inner ring of the roller bearing sits on a neck of the drive element and wherein at least one unthreaded conduit extends in a recess (2a) of the neck.

In Re claim 4, the at least one unthreaded conduit is provided with a radial projection (see flanged portion at the end of the conduit), and is axially held by axial contact with the radial projection.

In Re claim 5, the at least one unthreaded conduit on two ends bears gaskets (45,47) for sealing with adjoining channels in the drive element and the second element.

In Re claim 6, the drive element comprises a plurality of unthreaded conduits (2c,2d,2e,2f) distributed over the periphery of the drive element which correspond to the appropriate channels in the drive element and in the second element. Examiner notes that the claim does not require the plurality of conduits to correspond to the same features or channels.

In Re claim 7, an annular hydraulic chamber (8) is supplied, using an actuating piston (36), for movement of the drive element by way of the channels and unthreaded conduits. Examiner notes that the claim does not require that the actuating piston not be part of the drive element structure or part of the hydraulic chamber.

In Re claim 10, the drive element is a pulley set.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS W. IRVIN whose telephone number is (571)270-3095. The examiner can normally be reached on Mon-Fri 8am-4pm, Alt Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas W. Irvin/  
Examiner, Art Unit 3683

/Robert A. Siconolfi/  
Supervisory Patent Examiner, Art Unit 3683